Remarks

I. Interference

Applicants hereby withdraw their request for interference with Patent No. 6,453,360 ("the '360 patent"), and have amended the pending claims to distinguish them from the claims of that patent.

II. Response to Final Rejection

Applicants' previous Reply, which was filed along with the RCE, provides a detailed response to the Final Rejection.

III. The Amendment of February 7, 2011

Claim 1 has been amended to include the limitation of "a TCP connection for the communication flow." The '360 patent distinguishes a TCP connection. Column 40, lines 4-19. In addition, claim 1 has been amended to delete the limitation of "transferring said first packet to the host computer system for processing in accordance with said pre-selected protocol," and instead include the limitation of "processing, by the network interface, said packet the according to the TCP connection." The '360 patent does not teach that a TCP connection is processed by the network interface.

Independent claim 13 has been similarly amended to include the limitation of "a TCP connection for the communication flow." The '360 patent distinguishes a TCP connection. Column 40, lines 4-19. In addition, claim 13 has been amended to include the limitation of "processing, by the network interface, said packet the according to the TCP connection." This limitation follows the limitation in claim 13 of "associating an operation code with said packet, wherein said operation code identifies a status of said packet, including whether said packet is to be processed by the host computer." The '360 patent does not teach that a TCP connection is processed by the network interface.

Independent claim 24 has been similarly amended to include the limitation of "generating a TCP connection to identify a first communication flow that includes said first packet." The '360 patent distinguishes a TCP connection. Column 40, lines 4-19. In addition, claim 24 has been amended to delete the limitation of "transferring said first

packet to the host computer system for processing in accordance with said pre-selected protocol," and instead to include the limitation of "processing, by the network interface, said packet the according to the TCP connection." The '360 patent does not teach that a TCP connection is processed by the network interface.

Independent claim 32 has been similarly amended to include the limitation of "wherein said communication flow key includes a TCP connection and a first hop medium access control (MAC) layer address." The '360 patent distinguishes a TCP connection and does not teach that a flow key includes a first hop MAC address. In addition, claim 32 has been amended to include the limitation of "processing, by the network interface. said packet the according to the TCP connection" The '360 patent does not teach that a TCP connection is processed by the network interface.

Independent claim 42 has been similarly amended to delete the limitation of "wherein said first packet data portion and second packet data portion are stored in a host computer memory area that is controlled by a host computer application to enable efficient transfer of said data portions," and to include the limitation of "a processor, disposed in the network interface, that maintains a TCP connection for the communication flow." The '360 patent distinguishes a TCP connection and does not teach "a processor, disposed in the network interface, that maintains a TCP connection for the communication flow."

Independent claim 44 has been similarly amended to include the limitation of "a network interface ... comprising:... a processor for processing said first packet and for maintaining a TCP connection for the communication flow." The '360 patent distinguishes a TCP connection and does not teach "a network interface ... comprising:...a processor for processing said first packet and for maintaining a TCP connection for the communication flow."

Independent claim 47 has been similarly amended to recite "A device for receiving a packet from a network and transferring the packet to a host computer system ... wherein said device maintains a TCP connection for the communication flow." The '360 patent distinguishes a TCP connection and does not teach such a device "wherein said device maintains a TCP connection for the communication flow."

Independent claim 53 has been similarly amended to recite "a TCP connection ... and processing, by the network interface, said packet the according to the TCP connection." The '360 patent distinguishes a TCP connection and does not teach such a device "processing, by the network interface, said packet the according to the TCP connection."

IV.   Conclusion

Applicants' attorney apologizes for the delay in providing these Remarks. Applicants believe that the claims are now allowable and solicit a Notice of Allowance. Should the Examiner have any questions about this reply or application he is respectfully requested to telephone the undersigned.

Respectfully submitted,

  /Mark Lauer/
Mark Lauer
Reg. No. 36,578
Silicon Edge Law Group LLP
6601 Koll Center Parkway
Suite 245
Pleasanton, CA 94566
Tel: (925) 621-2121
Fax: (925) 621-2125